IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY, a Corporation, and SANDERS ASSOCIATES, INC., a Corporation,	)	
Plaintiffs,	)	Consolidated Civil Actions No. 74 C 1030 No. 74 C 2510 No. 75 C 3153 No. 75 C 3933
v.	)	
BALLY MANUFACTURING CORPORATION, a Corporation, et al.,	)	
Defendants.	)	

MAGNAVOX' AND SANDERS' RESPONSES
TO FIRST INTERROGATORIES
BY BALLY MANUFACTURING CORPORATION

The Magnavox Company and Sanders Associates, Inc. (hereinafter "Magnavox" and Sanders", respectively), through their undersigned attorneys and agents, hereby respond to the interrogatories served upon them on January 19, 1976 by Bally Manufacturing Corporation (hereinafter "Bally") under the title "Defendant Bally's First Set of Interrogatories to Plaintiffs". The answers supplied are based on information obtained from those employees of Magnavox and Sanders having knowledge of the relevant facts or the knowledge of their attorneys.

In responding to certain ones of the interrogatories, Magnavox and Sanders have elected, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, to produce for inspection by defendant the documents required to obtain the requested information. The documents to be produced are referred to hereinafter as the "produced documents". Certain ones of the documents being produced are subject to a valid claim of attorney-client privilege but they are being produced in order to advance the resolution of this action and to aid defendant in obtaining the requested information; the production of those documents is expressly without the waiver of any claim of privilege with respect to any other documents or communications. The produced documents will be made available for inspection by defendant during reasonable business hours and by appointment at a time mutually convenient to plaintiffs, defendant, and their attorneys. Those of the produced documents in the possession of Magnavox shall be made available for inspection in the Magnavox offices at 1700 Magnavox Way, Fort Wayne, Indiana, and those of the produced documents in the possession of Sanders shall be made available for inspection in the Sanders offices at Daniel Webster Highway, South, Nashua, New Hampshire.

Magnavox and Sanders object to the entire first set of interrogatories of Bally insofar as they are "deemed to be continuing" as stated in the last sentence of page 2 thereof as not being in the form required by Rule 33 of the Federal Rules of Civil Procedure. Magnavox and Sanders will supplement their responses to these interrogatories in accord with the provisions of that rule.

1. (a) Do MAGNAVOX or SANDERS contend that the manufacture, use or sale of the Nutting "Computer Space" game infringes or embodies the alleged invention of any claim of any of the patents in suit?

(b) If so, which claims of which patents?

(c) With respect to any claim which they do not contend is infringed, identify each of such claims, and state the reasons why they make no such contentions.

(d) State each element or limitation of each claim of the patents in suit identified in (c) above, which is not found in "Computer Space".

RESPONSE: (a) Magnavox and Sanders object to interrogatory 1 as being vague and ambiguous. Previous discovery in this action has established that Nutting Associates, Inc. manufactured and sold two games under the name "Computer Space", a single player game and a two player game. This interrogatory does not identify which of those games is referred to. Further, Magnavox and Sanders do not have sufficient information concerning two player "Computer Space" to enable them to respond to interrogatory 1.

However, in order to advance the resolution of this action, Magnavox and Sanders further respond to interrogatory 1 with respect to single player "Computer Space" as follows.

(a) No

(b) No response required

(c) and (d) Magnavox and Sanders object to paragraphs (c) and (d) of interrogatory as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. Magnavox and Sanders have specifically stated in response to paragraph (a) of this interrogatory that they do not contend that the single player game manufactured and sold by Nutting Associates, Inc. under the name "Computer Space" infringes any claims of the patents in suit. Bally has not identified this game as prior art against the patents in suit or as otherwise relevant to the patentability of the claims of those patents. Thus, that game and any relationship between it and the claims of the patents in suit are not relevant to any issue in this action.

2. (a) Do MAGNAVOX or SANDERS contend that the Nutting "Computer Space" game is a video game?

(b) If so, why?

(c) If not, why not?

(d) If MAGNAVOX or SANDERS has no contention, state what it means by the term "video game" and the reasons why it has no such contention.

RESPONSE: Magnavox and Sanders object to interrogatory 2 as being vague and ambiguous for the same reasons as stated herein with respect to interrogatory 1.

(a)-(c) Magnavox and Sanders further object to paragraphs (a)-(c) of interrogatory 2 as being vague and ambiguous because of the use of the term "video game". Bally does not state what it means by this term as it uses it in this interrogatory leaving Magnavox and Sanders to guess at its intended meaning.

Magnavox and Sanders additionally object to paragraphs (a)-(c) of interrogatory 2 as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. Magnavox and Sanders have specifically stated in response to paragraph (a) of this interrogatory that they do not contend that the single player game manufactured and sold by Nutting Associates, Inc. under the name "Computer Space" infringes any claims of the patents in suit. Bally has not identified this game as prior art against the patents in suit or as otherwise relevant to the patentability of the claims of those patents. Thus, that game and any contention as to whether or not it is a "video game", no matter what definition is used for that term, is not relevant to any issue in this action.

(d) No response is required in view of the response to paragraphs (a)-(c) of this interrogatory. Additionally, Magnavox and Sanders object to paragraph (d) of interrogatory 2 as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. The term "video game" does not appear in any of the claims of the patents in suit. Its interpretation is not relevant to any issues in this action. Further, the reasons why Magnavox and Sanders do or do not have any contention as to whether the single player game manufactured and sold by Nutting Associates, Inc. under the name "Computer Space" is a "video game" is likewise not relevant to any issue in this action.

3. Identify which documents, if any, previously identified by MAGNAVOX or SANDERS but not produced by them for inspection by Bally's attorneys, mention or make reference to a game termed "Space War".

RESPONSE: None.

4. For each of the patents listed below, identify, by column and line number, each portion of the specification where the term "raster scan", as used in the indicated claims of said patents, is defined:

(a) Claims 1 through 31, 40, 41, 42 and 43 of Patent 3,728,480.

(b) Claims 9 through 21 of Patents 3,659,284 and Re. 28,507.

RESPONSE: (a) Magnavox and Sanders object to paragraph (a) of interrogatory 4 as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. This paragraph relates to the definition of terms which appear in certain ones of the claims of U.S. Patent 3,728,480. Magnavox and Sanders do not allege that Bally is infringing any claims of that patent. The validity of that patent and the infringement thereof by Bally has not been put in issue in this action by Bally's pleadings therein. Thus, the location of a definition of a term used in the claims of that patent is not relevant to any issue in this action. Further, the patent speaks for itself; Bally can ascertain the information requested from the patent.

(b) Magnavox and Sanders object to paragraph (b) of interrogatory 4 as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial of this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. This paragraph relates to the definition of terms which appear in claims 9-21 of U.S. Patent 3,659,284 and Re. 28,507. Magnavox and Sanders do not allege

that Bally is infringing any one of those claims. Thus, the interpretation of those claims is not relevant to any issue in this action and the location of a definition of a term used in those claims is likewise not relevant to any issue in this action. Further, the patent speaks for itself; Bally can ascertain the information requested from the patent itself.

5. State the contention of MAGNAVOX and SANDERS as to the meaning of the term "raster scan" as used in the patent claims identified in Interrogatory 4(a) and (b), and state the basis for such contended meaning.

RESPONSE: Magnavox and Sanders object to interrogatory 5 for the same reasons as are stated herein with respect to interrogatory 4.

6. For each of the patents listed below, identify, by column and line number, each portion of the specification where the term "raster", as used in the indicated claims of said patents, is defined:

(a) Claims 60 through 64 of Patent Re. 28,507.

(b) Claims 13 through 17 of Patent Re. 28,598.

RESPONSE: The entire specifications of Patents Re. 28,507 and Re. 28,598 deal with display apparatus including circuitry for generating a raster. As an example, and without limitation, rasters and manners in which they may be generated are disclosed at column 5, lines 44-66, column 6, lines 36-44, column 7, lines 1-7, and column 20, line 46 through column 21, line 4 of Patent Re. 28,507, and at column 5,

line 49 through column 6, line 4, column 6, lines 42-51, column 7, lines 25-46, and column 22, lines 43-49 of Patent Re. 28,598.

7. State the contention of MAGNAVOX and SANDERS as to the meaning of the term "raster" as used in the patent claims identified in Interrogatory 6(a) and (b), and state the basis for such contended meaning.

RESPONSE: Magnavox and Sanders presently contend that the term "raster" as used in claims 60-64 of Patent Re. 28,507 and claims 13-17 of Patent Re. 28,598 means a predetermined pattern of scanning lines which provides substantially uniform coverage of an area. This is a common meaning of that term as shown in the following references:

Standards on Television, Definitions of Terms, 1948, Institute of Radio Engineers

Television Engineering Handbook, Donald G. Fink, 1947, McGraw-Hill Book Company, Inc., pages 1-58

The International Dictionary of Physics and Electronics, 1956, D. Van Nostrand Company, Inc., page 747

Modern Dictionary of Electronics, Rudolph F. Graf, 1972, Howard W. Sams & Co., Inc., The Bobbs-Merrill Co., Inc., page 475

United States Patent 3,103,658 issued September 10, 1963, column 3, lines 9-11

United States Patent 3,453,384 issued July 1, 1969, column 3, lines 31-37

Computer Displays, Ivan E. Sutherland, Scientific American, June, 1970

8. With respect to each of the following patents,

I. Cole et al., U.S. Patent 3,345,458

II. Clark, U.S. Patent 3,388,391

III. Clark, U.S. Patent 3,422,420

IV. Clark, U.S. Patent 3,426,344

(a) State whether any attorney in SANDERS' patent department acquired knowledge of, studied or reviewed such patent prior to being informed of the patent by Bally, Midway or Empire.

(b) If the answer to part (a) is in the affirmative with respect to any such patent, state

(1) the date of each instance of acquiring, studying or reviewing the patent;

(2) the circumstances surrounding each such instance and the reasons for acquiring knowledge, studying or reviewing the patent; and

(3) the name of the attorney or attorneys who acquired the knowledge, studied or reviewed the patent.

In responding to interrogatory 8, the date on which Sanders was informed of the patents by Bally, Midway, or Empire is taken as being after July 23, 1975. The information supplied is as personnel of the Sanders patent department are presently best able to determine it.

I. (a) Yes.

(b)(1)(i) Between April, 1973 and June, 1973

(ii) July and August, 1974

(iii) April, 1975

(2)(i)-(iii) License offer by RCA

(3)(i) R. Hubbard and L. Etlinger

(ii) J.E. Funk and L. Etlinger

(iii) J.E. Funk and L. Etlinger

II.-IV.(a) Yes

(b)(1)(i) Between April, 1973 and June, 1973

(ii) July and August, 1974

(2)(i)-(ii) License offer by RCA

(3)(i) R. Hubbard and L. Etlinger

(ii) J.E. Funk and L. Etlinger

9. With respect to each of the following patents,

I. Donner et al., U.S. Patent 3,453,384

II. Botjer et al., U.S. Patent 3,413,610

III. Lee, U.S. Patent 3,400,377

IV. Strout, U.S. Patent 3,396,377

V. Osborn et al., U.S. Patent 3,302,179

VI. Fenimore et al., U.S. Patent 3,293,614

VII. Stone et al., U.S. Patent 3,202,980

VIII. Dutton et al., U.S. Patent 3,182,308

IX. Macovski, U.S. Patent 3,169,240

X. Kronenberg et al., U.S. Patent 3,109,166

XI. Chiang, U.S. Patent 3,103,658

XII. Jones, Jr. et al., U.S. Patent 2,987,715

XIII. Gordon et al., U.S. Patent 2,920,312

(a) State whether any attorney in SANDERS' patent department acquired knowledge of, studied or reviewed such patent prior to being informed of the patent by Bally, Midway or Empire.

(b) If the answer to part (a) is in the affirmative with respect to any such patent, state

(1) the date of each instance of acquiring, studying or reviewing the patent;

(2) the circumstances surrounding each such instance and the reasons for acquiring knowledge, studying or reviewing the patent; and

(3) the name of the attorney or attorneys who acquired the knowledge, studied or reviewed the patent.

In responding to interrogatory 9, the date on which Sanders was informed of the patents by Bally, Midway, or Empire is taken as being after July 23, 1975. The information supplied is as personnel of the Sanders patent department are presently best able to determine it.

I., II., III., IV., X., and XII.:

(a) No

(b) No response required

V., VI., VII., VIII., IX., XI., XIII.:

(a) Yes

(b)(1)(i) Between April, 1973 and August, 1973

(ii) July and August, 1974

(2)(i)&(ii) License offer by RCA

(3)(i) R. Hubbard

(ii) J. E. Funk (as to XIII, also L. Etlinger)

10. Has SANDERS or MAGNAVOX ever been licensed under any of the patents listed in Interrogatories 8 or 9 hereof? If so,

(a) identify each of such patents;

(b) the parties to each license; and

(c) the dates of each such license.

RESPONSE: No.

11. Identify all documents and things in the possession, custody or control of SANDERS or MAGNAVOX, not previously produced for inspection by Bally's attorneys, which mention or refer to a game termed Space War.

RESPONSE: Magnavox and Sanders object to interrogatory 11 as requesting information which is not relevant to the subject matter involved in this action, which will be inadmissible at the trial in this action, and which is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, insofar as this interrogatory requests identification of documents dated October 28, 1975 or thereafter, which were originated on October 28, 1975 or thereafter, or which came into the possession of either Magnavox or Sanders on October 28, 1975 or thereafter, it seeks identification of documents having no possible relevance to the issues of this action. However, in order to advance the resolution of this action, certain ones of the documents requested to be identified will be produced for inspection by Bally's attorneys as stated in the introduction to these responses. Magnavox and Sanders further identify the following documents in response to this interrogatory:

1. "Defendant Midway's Supplemental Responses to Plaintiffs' Interrogatories Nos. 1 through 21"; Bally has a copy of this document.

2. Documents bearing Midway production numbers 232 and 271-274A; Bally has a copy of these documents.

3. "II Cybernetics Frontiers" by Stewart Brand; Bally has a copy of this document.

4. Transcripts of depositions of Peter R. Samson, Stewart Nelson, and Michael Levitt taken on October 21-23, 1975 in this action and copies of the exhibits marked for identification at those depositions; Bally has copies of these documents.

5. Notices of depositions served in this and related actions; Bally has copies of these documents.

6. DECUS documents 11-192, 11-106, 8-395, L-39, BASIC 8-6 (pages 100-104), DECUS Catalog pages bearing handwritten dates November, 1969 (page 11), June, 1968 (page 11), May, 1967 (page 9), and November, 1965 (page 5); Bally has copies of these documents.

7. (a) Handwritten notes

   (b) October 21-23, 1975

   (c) T.A. Briody

   (d) Depositions of Peter R. Samson, Stewart Nelson, and Michael Levitt

   (e) Notes taken during depositions

   (f) T.A. Briody

   (g) No.

8. (a) Handwritten notes

   (b) October 21-23, 1975

   (c) T.W. Anderson

   (d) Depositions of Peter R. Samson, Stewart Nelson, and Michael Levitt

   (e) Notes taken during deposition

(f) J.T. Williams

(g) No

10. (a) Letter

(b) July 21, 1975

(c) T.A. Briody

(d) "II Cybernetic Frontiers" by Stewart Brand

(e) Forwards copy of book and comments thereon

(f) L.E. Etlinger has custody of the original; T.A. Briody has custody of a copy

(g) No

11. (a) Handwritten notes

(b) August 1, 1975

(c) J.T. Williams

(d) Documents produced by Midway

(e) Notes taken during inspection of documents produced by Midway

(f) J.T. Williams

(g) No

12. (a) Handwritten notes

(b) October 9, 1975

(c) J.T. Williams

(d) Telephone conference with J. Sauter

(e) Notes taken during telephone conference

(f) J.T. Williams

(g) No

13. (a) Handwritten notes

(b) Undated

(c) J.T. Williams

(d) Conference at Digital Equipment Company

(e) Notes taken in preparation for and during conference

(f) J.T. Williams

(g) No

14. (a) Article

(b) August, 1975

(c) Bruce Apar

(d) Computer games

(e) Computer games

(f) T.W. Anderson

(g) Yes

In further response to this interrogatory, Magnavox and Sanders note that this interrogatory, as well as interrogatories 12 and 13, refer to a game termed "Space War". The prior discovery in this action has shown that there is no single game entitled Space War and that this same term has been applied to a number of different games. For this reason, the language of these interrogatories is vague and indefinite.

12. Identify all documents and things in the possession, custody or control of SANDERS or MAGNAVOX, not previously produced for inspection by Bally's attorneys which have been used to play a game termed Space War or are intended for such use.

RESPONSE: As presently advised, Magnavox has no such documents or things in its possession, custody or control. As presently advised, all such documents or things in the possession, custody or control of Sanders include only digital computers and magnetic or paper tapes used to program those computers. Sanders will produce for inspection by Bally's attorneys all magnetic and paper tapes requested to be identified in this interrogatory insofar as they are known to Sanders' attorneys in accord with the offer stated in the introduction to these responses. The digital computers which have been used at Sanders to play a game termed Space War have previously been identified in depositions taken in this action. As presently advised, those computers include the following:

(a) PDP-1
(b) PDP-11/35 - WM01-07793
(c) PDP-11/05 - 2802 M60PR
(d) PDP-11/05 - PR 0305303

Sanders has no digital computers in its possession, custody or control which "are intended" to be used to play a game termed Space War insofar as the term "are intended" is understood.

13. Identify all documents relating to the acquisition by SANDERS or MAGNAVOX of:

(a) all programs or instructions for a game termed Space War;

(b) all computers or other devices on which a game termed Space War has been played at SANDERS or MAGNAVOX;

(c) the Digital Equipment Corporation PDP-1 computer(s) mentioned by Richard Seligman and/or John Sauter in their respective depositions;

(d) all computers or other devices of SANDERS or MAGNAVOX having a CRT display and capable of having a game termed Space War played therewith.

RESPONSE: (a) SANDERS: As presently advised, there are no such documents.

MAGNAVOX: As presently advised, there are no such documents.

(b) Paragraph (b) of this interrogatory is objected to as requesting information which is not relevant to the subject matter involved in this action, that would be inadmissible at the trial of this action, and that is not reasonably calculated to lead to the discovery of admissible evidence. In particular, the time at which a computer on which the referenced game has been played was acquired is irrelevant in the absence of some connection between that time and the time on which the game was played on that computer. As presently advised, Magnavox has no such computers or other devices.

In order to advance the resolution of this action, Magnavox and Sanders further respond to paragraph (b) of this interrogatory as follows:

SANDERS: Documents relating to the acquisition of the computers identified in response to Bally's interrogatory 12 will be produced in accord with the offer stated in the introduction to these interrogatories.

MAGNAVOX: As presently advised, there are no such documents.

(c) See the produced documents.

(d) Paragraph (d) of this interrogatory is objected to as requesting information which is not relevant to the subject matter involved in this action, that would be inadmissible at the trial of this action, and that is not reasonably calculated to lead to the discovery of admissible evidence.

In particular, the time at which a computer or other device as referred to in this paragraph was acquired is irrelevant in the absence of some indication that the game referred to was actually played therewith and some connection between that time and the time, if any, on which the game was played therewith. Paragraph (d) of this interrogatory is further objected to as vague and indefinite. As previously mentioned, the phrase "a game termed Space War" is indefinite. Further, there are no criteria given for determining whether any particular computer or other device is "capable" of having any such game played therewith.

The interrogatory is additionally objected to as placing Magnavox and Sanders under an undue and unnecessary burden to supply the requested information. To do so would require that Magnavox and Sanders examine each and every computer or other device having a CRT display that they had ever acquired and determine whether it was capable of having the referenced game played thereon.

14. Other than documents previously identified or produced for inspection to Bally's attorneys, and other than documents relating only to conventional T.V. receivers, identify all documents disclosing the construction, structure, logic, operation and intended uses of each device comprising

a cathode ray tube (CRT),

means for generating vertical and horizontal synchronizing signals,

means responsive to the synchronizing signals for deflecting the beam of the CRT to generate a raster on the screen,

means coupled to the synchronizing signal generating means and the CRT for generating a symbol or symbols on the screen of the CRT, and

means by which the operator or viewer may select or determine the symbol to be displayed and/or the position of a symbol on the screen,

which device was manufactured, sold or used by SANDERS prior to or during the time when the applications for the patents in suit were pending before the Patent Office.

RESPONSE: Magnavox and Sanders object to interrogatory 14 as requesting information which is not relevant to the subject matter involved in this action, that would be inadmissible at the trial of this action, and that is not reasonably calculated to lead to the discovery of admissible evidence. In particular, devices which were not manufactured, sold, or used prior to the time of the effective filing dates of the patents in suit have no relevance to the issues of this lawsuit and do not constitute prior art against the patents in suit. The interrogatory is further

improper in that it is in the form of a patent claim, but it is hypothetical in that elements of the patents being asserted against Bally are omitted from the recitations of the interrogatory. The interrogatory is further objected to as placing Magnavox and Sanders under an undue and unnecessary burden to supply the requested information. To do so would require that they examine every cathode ray tube device ever used by Sanders and determine whether it comes within the recitations of the interrogatory. This would be both an unreasonably large task and, as stated, would not lead to the development of relevant information.

However, in order to advance the resolution of this action, Magnavox and Sanders further respond to this interrogatory by stating that Sanders manufactured and sold only one cathode ray tube display device prior to the latest effective filing date of the patents in suit, August 21, 1969, which utilized a raster. That display device was included in the Saturn V Operational Display System. Sanders will produce for inspection by Bally the operation and maintenance manuals relating to that display device which describe its construction and use.

15. Other than documents previously identified or produced for inspection to Bally's attorneys, and other than documents relating only to conventional T.V. receivers, identify all documents disclosing the construction, structure, logic, operation and intended uses of each device comprising

a cathode ray tube (CRT),

means for generating vertical and horizontal synchronizing signals,

means responsive to the synchronizing signals for deflecting the beam of the CRT to generate a raster on the screen,

means coupled to the synchronizing signal generating means and the CRT for generating a symbol or symbols on the screen of the CRT, and

means by which the operator or viewer may select or determine the symbol to be displayed and/or the position of a symbol on the screen,

which device was manufactured, sold or used by MAGNAVOX prior to or during the time when the applications for the patents in suit were pending before the Patent Office.

RESPONSE: Magnavox and Sanders object to interrogatory 15 as requesting information which is not relevant to the subject matter involved in this action, that would be inadmissible at the trial of this action, and that is not reasonably calculated to lead to the discovery of admissible evidence. In particular, devices which were not manufactured, sold, or used prior to the time of the effective filing dates of the patents in suit have no relevance to the issues of this lawsuit and do not constitute prior art against the patents in suit. The interrogatory is further improper in that it is in the form of a patent claim,

but is hypothetical in that elements of the patents being asserted against Bally are omitted from the recitations of the interrogatory. The interrogatory is further objected to as placing Magnavox and Sanders under an undue and unnecessary burden to supply the requested information. To do so would require that they examine every cathode ray tube device ever used by Magnavox and determine whether it comes within the recitations of the interrogatory. This would be both an unreasonably large task and, as stated, would not lead to the development of relevant information.

However, in order to advance the resolution of this action, Magnavox and Sanders further respond to this interrogatory by stating that prior to 1969 Magnavox developed the following apparatus including cathode ray tube display devices utilizing a raster other than conventional T.V. receivers:

Radar 1	Fire Control
AN/SPA	Shipborne Display System
AN/APS-67	Airborne Radar
AN/APQ-83	Airborne Radar Fire Control
AN/APQ-94	Airborne Radar Fire Control
AN/APQ-124	Airborne Radar Fire Control
Radar Tracking Theodolite System	

Anti-Submarine Warfare

AN/ASA-16	Tactical Display
AN/AQA-6	Pandora Signal Processor
AN/AQA-7	Difar Signal Processor
CASS	Signal Processor
DICASS	Signal Processor

Electronic Warfare

AN/ULA-2	Signal Intercept System

Satellite Users/Terminals

OGO Satellite PCM Data Handling Equipment

Transit Navigation Systems

702-HP

Documentation describing these apparatus is in many cases not available, would place Magnavox and Sanders under an unreasonable and unnecessary burden to locate, or is available only in classified military documents.

16. Identify each raster scan CRT display device used by SANDERS with a computer, computer terminal, or data entry device, or made by SANDERS for such use, prior to or during the time when the applications for the patents in suit were pending before the Patent Office, and the date that each such CRT display device was (a) designed, (b) placed in production, (c) considered or reviewed by SANDERS' patent department and (d) considered or reviewed by any officer or managing agent of SANDERS with respect to its purchase, design or use, and identify each such officer or agent.

RESPONSE: Magnavox and Sanders object to interrogatory 16 as requesting information which is not relevant to the subject matter involved in this action, that would be inadmissible at the trial of this action, and that is not reasonably calculated to lead to the discovery of admissible evidence. In particular, devices which were not made or used prior to the latest effective filing date of the patents in suit (August 21, 1969) have no relevance to the issues of this lawsuit and cannot constitute prior art against the patents in suit. The interrogatory is further objected to as placing Magnavox and Sanders under an undue and unnecessary burden to supply the requested information. To do so would require that they ascertain the identity of every CRT display device used by Sanders in the stated manner prior to October 28, 1975 and determine whether it was a raster scan device and the other facts requested by this interrogatory. Further, as to paragraph (d), they would have to ascertain as to each person who considered or reviewed each such device that was not an officer of Sanders whether that person was a managing agent. However, in order to advance the resolution of this action, Sanders responds as follows with respect to the Saturn V Operational Display System:

(a) During the period of approximately May, 1964 through Fall, 1965

(b) In approximately Fall, 1965

(c) One disclosure relating to certain aspects of that system was considered or reviewed during the period of approximately August 11, 1965 through June 1, 1966.

February 25, 1976

Theodore W. Anderson

Neuman, Williams, Anderson & Olson
Attorneys for The Magnavox Company
and Sanders Associates, Inc.

77 West Washington Street
Chicago, Illinois 60602
(312) 346-1200

Subscribed and sworn to before me this 25th day of February, 1976, in Chicago, Illinois.

Notary Public

My Commission expires: Sept. 17, 1977

The foregoing objections and contentions are asserted or stated on behalf of The Magnavox Company and Sanders Associates, Inc. by:

Theodore W. Anderson

Neuman, Williams, Anderson & Olson
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